Remarks

Claims 1, 3, 10, 12, and 17 have been amended.

Claims 1-18 have been rejected.

In the Official Action, the Examiner rejected claim 17 under 35 U.S.C. § 112, first paragraph for containing new matter. The Examiner states that the amendments made to claim 17 in applicant's response of May 5, 2008, contain new subject matter pertaining to the instructions on the computer-readable medium, and this is not supported by the original disclosure. Applicant has amended claim 17 to recite a computer program embodied in a machine-readable memory. Use of machine-readable memory is described in the Specification at page 4, lines 9-12, where the precise term used is "device memory", and various hardware elements are described clarifying the machine-readable nature of "device memory". Use of machine-readable memory is also described in the Specification at page 7, lines 3-9. Use of a computer program is described in the Specification at page 6, lines 24-27, page 7, line 1, page 8, line 11, as well as Figure 5, item 44. In light of these amendments, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 17 under 35 U.S.C. § 112.

Also in the Official Action, the Examiner rejects claims 1-18 as being unpatentable over U.S. Patent No. 4,847,604 to *Doyle* in view of U.S. Patent No. 6,122,012 to *Segman*.

Doyle teaches a computer graphic interface that allows a user to obtain descriptive information concerning a feature of a displayed image or object by pointing to the location of the feature using a text pointer table 27. For each object displayed, *Doyle* identifies all of the colors in the object and provides a color index for each color of the object. *Segman* teaches a method of controlling the colors in a digital video image by modifying all the pixels of a single color at one time. The Examiner equates *Doyle*'s text pointer 27 with the present application's use of a color mask to map selectable control areas. Applicant disagrees.

As Applicant submitted in the response filed May 5, 2008 (hereinafter, "Applicant's prior response"), *Doyle*'s text pointer table 27 of Fig. 2 of *Doyle* is not a <u>color</u> <u>mask</u>, and has nothing whatsoever to do with any type of color, but is rather a <u>text</u> <u>pointer</u> <u>table</u> storing only data regarding the <u>text</u> <u>string</u> corresponding to each index number, with each <u>text</u> <u>string</u> containing a text label for the portion of the display screen in which the pixel is located. See, Applicant's prior response,

page 10, and as quoted by the Examiner in the Office Action, page 2, item 6. (Emphasis added).

The present invention as described by the amended claims, is directed to control area selection and a computing device with a graphical user interface, in which each of several different selectable control areas is associated with a single different color in a <u>color</u> <u>mask</u> stored in the device memory. The color mask is made up of separate regions, each of which correspond to one of the control areas and each of which are colored using only one of the unique colors. Each of the device control actions is represented by a different one of the colors using a predefined color lookup table. Thus, instead of making a loose rectangular approximation to a control key or button, as is done in the prior art, the present invention uses a color mask with a region preferably exactly corresponding in shape and size to that of the control key or button to be created and stored in memory. Each region is completely filled with a different color.

The Examiner further commented that "the claim language as currently stated remains broad." See, Office Action, page 3, item 7. Thus, in the interest of clarity, Applicant herein amends independent claims 1 and 10, as well as dependent claim 3 to recite use of a "color lookup table", to more clearly

distinguish the present invention from the prior art. Support
for these amendments are found throughout the Specification,
including, but not limited to, page 8, lines 13-17.

The claimed invention is not taught by the combination of
Doyle and *Segman*. Each independent claim of the present
invention recites (a) representing each of a set of device
control <u>actions</u> by a single <u>different</u> <u>color</u> from a set of unique
colors using a predefined color lookup table and (f)
establishing or performing the device <u>control action which is</u>
<u>associated with the same color</u> as the retrieved color. Neither
Dolye nor *Segman* teaches or suggests these limitations.

It is impossible for *Doyle* in view of *Segman* to represent,
identify or associate a particular portion of a display simply
with a unique color. Each pixel of the display screen of *Doyle*
is assigned an index number that corresponds to a unique
<u>combination</u> of the color of that pixel and a text label for the
portion of the display screen in which the pixel is located.
Although the Examiner repeatedly refers to the text pointer
table 27 of Fig. 2 of *Doyle* as a color mask, the text pointer
table 27 has nothing to do with any type of color. Rather, the
text pointer table 27 stores only data regarding the <u>text string</u>
corresponding to each index number, with each text string
containing a text label for the portion of the display screen in

which the pixel is located. For example, the text pointer table 27 of Fig. 2 illustrates that index 31 corresponds to string 1, which contains the label "CHAIR".

On the other hand, an entirely separate table, color map 25, stores the data regarding a <u>non-unique</u> color corresponding to each index number. For example, the color map 25 of Fig. 2, illustrates that index 31 has a color of Red 255, Green 255, Blue 255 and further illustrates that index 63 has the same color as index 31, specifically Red 255, Green 255, Blue 255. Thus, a color alone is not enough to uniquely identify a particular index number or a particular portion of the display. Even if individual each portion of the display in *Doyle* could be considered a control <u>action</u>, the portions of the display are not represented by a <u>single</u> <u>different</u> <u>color</u> from a set of unique colors and are not associated with any color, as recited in each independent claim of the present application. *Segman* does not make up for this deficiency in *Doyle*. For this reason, *Doyle* in view of *Segman* does not teach or suggest the present claimed invention.

Additionally, neither *Doyle* nor *Segman* discloses any type of control action that corresponds to a portion of a display screen. The Examiner repeatedly refers to the image 21 of *Doyle* as a control <u>action</u> as recited in the independent claims of the

present application. However, the image 21 of *Doyle* is only a single image on a video display 11. Additionally, although portions of the image 21 of *Doyle* are associated with text string labels such as "CHAIR" and "LAMP", the portions of the display are also not control <u>actions</u>. Nowhere does *Doyle* teach or suggest any type of <u>action</u> that corresponds to the individual portions of the display area of *Doyle*. Rather, the individually labeled portions of the display area 11 of *Doyle* are simply portions of the image 21, nothing more. Thus, *Doyle* does not teach or suggest any type of control <u>action</u> that is represented by and associated with single different color from a set of unique colors as recited in each independent claim of the present application. *Segman* does not make up for this deficiency in *Doyle*. For this additional reason, *Doyle* in view of *Segman* does not teach or suggest the present claimed invention.

Nothing in *Doyle* or *Segman* remotely teaches or suggests the representing of each of a set of device control actions by a single different color from a set of unique colors using a predefined color lookup table, associating each of a plurality of selectable control areas of a display with only one of the different colors in a color mask and establishing the control area and the device control action which is associated with the

same color as a retrieved color. These elements are expressly claimed in each of the independent claims as amended. Thus, since these claimed elements are not taught or suggested by *Doyle* or *Segman*, and since each of these elements are claimed in the independent claims, all of the claims patentably define over *Doyle* in view of *Segman* under 35 U.S.C. §103 and are in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-18.

In view of the above claim amendments and remarks, this application is now believed to be in condition for allowance. Reconsideration is, therefore, respectfully requested. However, the Examiner is requested to telephone the undersigned if there are any remaining issues in this application to be resolved.

It is believed that no charges in connection with this response, however, the Commissioner is authorized hereby to charge any required fees to Deposit Account Number 19-5425.

Respectfully submitted,

/Perry M. Fonseca/
Perry M. Fonseca
Attorney for Applicant
Reg. No. 50,975

Fox Rothschild LLP
P.O. Box 592
Princeton, NJ 08542-0592
Tel (609) 924-3773
Fax (609) 924-1811